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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN CIVIL LIBERTIES UNION OF
NORTHERN CALIFORNIA, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION,
et al.,

Defendants.

No. 3:10-cv-03759-RS (LB)

**DEFENDANTS' UNOPPOSED
ADMINISTRATIVE MOTION FOR A
STAY OF SETTLEMENT CONFERENCE
DEADLINES IN LIGHT OF LAPSE OF
APPROPRIATIONS**

Conference Date: January 15, 2019
Time: 10:00 a.m.
Judge: Hon. Laurel Beeler
Action Filed: July 15, 2015

1 Pursuant to Civil Local Rule 7-11, the United States of America hereby moves for a stay
2 of the deadline to submit settlement conference statements, currently set for January 8, 2019,
3 and, if necessary, of the settlement conference set for January 15, 2019, in the above-captioned
4 case.

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6 1. At the end of the day on December 21, 2018, the appropriations act that had been
7 funding the Department of Justice expired and appropriations to the Department lapsed. The
8 Department does not know when funding will be restored by Congress.

9 2. Absent an appropriation, Department of Justice attorneys are prohibited from
10 working, even on a voluntary basis, except in very limited circumstances, including
11 “emergencies involving the safety of human life or the protection of property.” 31 U.S.C.
12 § 1342.

13
14 3. Undersigned counsel for the Department of Justice therefore requests a stay of the
15 deadline to submit settlement conference statements, which is currently set for January 8, 2019,
16 until Congress has restored appropriations to the Department. The Government further requests,
17 if necessary, a stay of the settlement conference set for January 15, 2019, in the event
18 appropriations are not restored prior to that date.

19
20 4. If this motion for a stay is granted, undersigned counsel will notify the Court as
21 soon as Congress has appropriated funds for the Department. The Government requests that, at
22 that point, all current deadlines for the parties be extended commensurate with the duration of the
23 lapse in appropriations.

24
25 5. On December 26, 2018, subject to a limited allowance for orderly shutdown
26 activities, counsel for the Government contacted opposing counsel to inform Plaintiffs of this
27
28

1 request and to request Plaintiffs' position. Counsel for the Plaintiffs stated that Plaintiffs do not
2 oppose the relief requested in this motion.

3 Therefore, although we greatly regret any disruption caused to the Court and the other
4 litigants, the Government hereby moves for a stay of the deadline to submit settlement
5 conference statements (and, if necessary, the settlement conference itself), until Department of
6 Justice attorneys are permitted to resume their usual civil litigation functions.
7

8 Dated: December 26, 2018.

Respectfully submitted,

9 U.S. DEPARTMENT OF JUSTICE

10 JOSEPH H. HUNT

11 Assistant Attorney General

12 MARCIA BERMAN

Assistant Branch Director

13 /s/ Andrew Zee

14 M. ANDREW ZEE (CA Bar No. 272510)

15 Civil Division, Federal Programs Branch

16 *Attorneys for Defendants*
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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of December, 2018, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing.

/s/ Andrew Zee
M. ANDREW ZEE